

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Davidson, et al.

Serial No.: 10/753,646 Group Art Unit: 1652

Filed: 1/08/2004 Examiner: Hope A. Robinson

For: NOVEL ANTIANGIOGENIC PEPTIDES, POLYPEPTIDES  
ENCODING SAME AND METHODS FOR INHIBITING  
ANGIOGENESIS

Docket No.: 5940.US.C3 Customer No.: 38939  
(065483-0384)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ACKNOWLEDGEMENT OF INTERVIEW PURSUANT TO 37 C.F.R. § 1.133(B)**

This paper acknowledges several telephonic interviews conducted in the above-captioned case on September 18 and 23, 2008. Applicant thanks the Examiner for her time to discuss this matter.

**REMARKS**

A number of claim informalities were discussed and minor amendments were agreed to between the Applicant's attorney and the Examiner.

In particular, the Examiner requested that Claims 1 and 69 be amended, as reflected in the attached facsimile dated September 18, 2008, which was provided by the Examiner following the telephonic interview. Pursuant to a call with the Examiner on Tuesday, September 23, 2008, the Examiner is to modify the amendments to the claims as originally provided by the Examiner, such that Claims 1 and 69 reflect the amendments below. In addition, Applicant noticed a typographical error in the Examiner's amendment provided wherein Claim 1 mistakenly read "B is absent or is from 1 to 97 naturally-occurring amino acid residues...." Applicant notes that this should instead read "B is absent or is from 1 to 197 naturally-occurring amino acid residues...." This is not a claim amendment since it reflects the language of Claim 1 as filed by Applicant on June 11, 2008.

---

**CERTIFICATE OF TRANSMISSION VIA EFS-WEB**

I hereby certify that this Interview Summary is being transmitted to the United States Patent and Trademark Office via the Office's electronic filing system EFS-Web addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the 23rd day of September 2008.

/Carita Hughes/

In addition, the Examiner objected to claims 70-73. Although Applicant does not believe that the amendments are necessary and believes that the claims as pending are clear, Applicant has agreed to the amendments of claims 70-73, as presented in the facsimile dated September 18, 2008.

Lastly, the Examiner requested a Terminal Disclaimer be filed for the above-referenced application in view of US Patent No. 6,699,838. Applicant has agreed to file the requested Terminal Disclaimer for the '838 patent. In addition, Applicant's attorney noted for the Examiner that additional patents, including the '838 patent, were included within the pending application's claim of priority. The Examiner indicated that she had reviewed US Patent Nos. 6,057,122; 5,981,484; and 5,801,146, and that she believed no additional Terminal Disclaimers were necessary.

#### **AMENDMENTS TO THE CLAIMS:**

Claim 1. (Currently Amended). A compound having the formula

A-B-C-X-Y

(I)

or a pharmaceutically acceptable salt, ester or ester prodrug thereof, wherein

A is absent or a nitrogen protecting group;

Y is absent or a carboxylic acid protecting group;

B is absent or is from 1 to 197 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 334 to amino acid position 530 of SEQ ID NO: 1;

C is R<sup>1</sup>-R<sup>2</sup>-R<sup>3</sup>-R<sup>4</sup> wherein

R<sup>1</sup> is lysyl;

R<sup>2</sup> is leucyl or arginyl;

R<sup>3</sup> is tyrosyl, 3-I-tyrosyl or phenylalanyl;

R<sup>4</sup> is aspartyl; and

X is absent or is from 1 to 12 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 535 to about amino acid position 546 of SEQ ID NO: 1.

Claim 69. (Currently Amended). A compound having the formula

A-B-C-X-Y

(I)

or a pharmaceutically acceptable salt, ester or ester prodrug thereof, wherein

A is absent or a nitrogen protecting group;

Y is absent or a carboxylic acid protecting group;

B is 81 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 450 to amino acid position 530 of SEQ ID NO: 1;

C is R<sup>1</sup>-R<sup>2</sup>-R<sup>3</sup>-R<sup>4</sup> wherein

R<sup>1</sup> is lysyl;

R<sup>2</sup> is leucyl or arginyl;

R<sup>3</sup> is tyrosyl, 3-I-tyrosyl or phenylalanyl;

R<sup>4</sup> is aspartyl; and

X is 9 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 535 to amino acid position 543 of SEQ ID NO: 1.

## CONCLUSION

Although the Examiner indicated that she would be filing an Interview Summary of her own, Applicant is submitting the provided Interview Summary to confirm the understanding between the parties. If there are any questions, or if anything further is required, please contact Applicant's undersigned attorney.

**DykEMA**GOSSETT PLLC  
39577 Woodward Avenue  
Bloomfield Hills, MI 48304  
(248) 203-0700  
(248) 203-0763(facsimile)  
www.dykema.com  
ipmail@dykema.com

Customer No. 38939

Date: September 23, 2008

Respectfully submitted,

/Myriah M. Gambrell-Glenn/  
Myriah M. Gambrell-Glenn, Reg. No. 46,720  
Lisa V. Mueller, Reg. No. 38,978  
Attorneys for Applicant

09/18/08 THU 13:25 FAX

001



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 www.uspto.gov

## FAX COVER SHEET

Date: 18 Sep 2008

To: Myrlie Gamble-Glen

From: HOPE A. ROBINSON

Application/Control Number: 10/763,646

Art Unit: 1652

Fax No.: 240-203-0763

Phone No.: (571)272-0957

Voice No.:

Return Fax No.: (571)273-8300

Re:

CC:

Urgent  For Review  For Comment  For Reply  Per Your Request

## Comments:

Please contact me should there be any questions or concerns.

JAC

## Number of pages: 2 including this page

## STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

09/18/08 THU 13:26 FAX

2002

The Claims have been amended as follows:

**Claim 1. (Currently Amended),**  
A compound having the formula

A-B-C-X-Y  
or a pharmaceutically acceptable salt, [ester] or ester prodrug thereof, wherein  
A is absent or a nitrogen protecting group;  
Y is absent or a carboxylic acid protecting group;  
B is absent or is from 1 to 97 naturally-occurring amino acid residues corresponding to  
the sequence from amino acid position 334 to amino acid position 530 of SEQ ID NO: 1;  
C is R<sup>1</sup>-R<sup>2</sup>-R<sup>3</sup>-R<sup>4</sup> wherein  
R<sup>1</sup> is lysyl;  
R<sup>2</sup> is leucyl or arginyl; R<sup>3</sup> is tyrosyl, 3-I-tyrosyl or phenylalanyl; R<sup>4</sup> is aspartyl; and  
X is absent or is from 1 to 12 naturally-occurring amino acid residues corresponding to  
the sequence from amino acid position 535 to about amino acid position 546 of SEQ ID  
NO: 1.

**Claim 69. (Currently Amended),**  
A compound having the formula

A-B-C-X-Y

or a pharmaceutically acceptable salt, [ester] or ester prodrug thereof, wherein  
A is absent or a nitrogen protecting group;  
Y is absent or a carboxylic acid protecting group;  
B is 81 naturally-occurring amino acid residues corresponding to the sequence from  
amino acid position 450 to amino acid position 530 of SEQ ID NO: 1;  
C is R<sup>1</sup>-R<sup>2</sup>-R<sup>3</sup>-R<sup>4</sup> wherein  
R<sup>1</sup> is lysyl;  
R<sup>2</sup> is leucyl or arginyl;  
R<sup>3</sup> is tyrosyl, 3-I-tyrosyl or phenylalanyl;  
R<sup>4</sup> is aspartyl; and  
X is 9 naturally-occurring amino acid residues corresponding to the sequence from  
amino acid position 535 to amino acid position 543 of SEQ ID NO: 1.

**Claim 70. (Currently Amended),**  
The compound of claim 69 wherein A is  
absent; and [Y and B-C-X] Y, B, C and X are as defined therein.

**Claim 71. (Currently Amended)..**

09/18/08 THU 13:28 FAX

12003

The compound of claim 69 wherein [y] Y is absent; and [A and B-C-X] A, B, C and X are as defined therein.

**Claim 72. (Currently Amended).**

The compound of claim 69 wherein A and Y are absent; and [B-C-X is] B, C and X are as defined therein.

**Claim 73. (Currently Amended).**

The compound of claim 69 wherein A and Y are present; and [B-C-X is] B, C and X are as defined therein.